

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CLIFFORD ALSTON,

Plaintiff

v.

CHRISTOPHER ASKEW, et al,

Defendants

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**Civil Action No.:
3:06 cv 722 WKW-DRB**

**OBJECTION TO NOTICE OF 30(b)(5) & (6) DEPOSITION OF RUBY WHITE D/B/A
AIR RIDE TRUCKING**

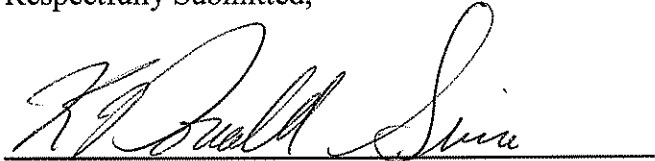
COMES NOW, the defendant, Ruby White d/b/a Air Ride Trucking, by and through her counsel of record, and files her objection to the notice of taking deposition filed by the plaintiffs in this matter and as grounds therefore would show the court as follows:

1. In the notice of deposition, the plaintiff seeks the production of certain documents related to twenty-one separate categories on which the deposition is noticed.
2. Defendant has previously notified plaintiff's counsel on numerous occasions that the documents which is the subject of the twenty-one categories of requests made a part of the 30(b)(5) & (6) notice were destroyed in a fire subsequent to the accident made the basis of the plaintiff's complaint. As a result, as previously stated in response to the plaintiff's request for production of documents, defendant does not have in its possession any of the documents requested either in the plaintiff's request for production of documents or in the request made a part of the notice of taking

deposition.

3. Additionally, to the extent that the deposition notice is a 30(b)(6) notice, the plaintiff would not get to select the individual to be deposed under a corporate representative notice. Rather, the corporation would itself identify the person who would be responsive to the request. Accordingly, since this deposition notice identifies a specific person to be deposed, it is not appropriately to be considered a notice of deposition for a corporate representative since it specifically asked for the deposition of Ruby White. However, because Ruby White is, an individual, the defendant will produce for deposition.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "K. Donald Simms", written over a horizontal line.

K. Donald Simms (ASB-9801-M63K)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail, postage prepaid and properly addressed on this 22 day of June, 2007 to:

Christopher D. Glover
Hogan Law Office, PC
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Birmingham, AL 35203



OF COUNSEL